THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.14175 OF 2005

Disposed of on : 29-07-2005

Between:

Ch.Poolamma …. Petitioner

And

The Pril. Secretary to Government

Revenue Department, and others. …..respondents.

THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.14175 OF 2005

O R D E R :

1. This writ petition has been filed by the petitioners assailing the order of the government passed in Memo.No.21146/Asn.II (2)05-I, dated 22.6.2005 by the Principal Secretary to Government, Revenue Department, Secretariat-1st respondent.

2. Shorn of from unnecessary details in the writ petition, the basic facts necessary for disposal of the writ petition are:

The writ petitioners filed an appeal before Chief Commissioner of Land Administration (Appeals) being BC 4/965/2003. The said appeal came to be disposed of on 21.1.2004. The writ petitioners questioned the said order by filing W.P.No.4141 of 2004, which was disposed of on 8.3.2004. The relevant portion of the order reads as under:

> " In the result, the writ petition is allowed and the impugned order is quashed and set aside. Respondent No.1 is directed to reconsider the appeal and pass appropriate reasoned orders after affording opportunities to the parties concerned. The petitioners are at liberty to move application for stay before respondent No.1 pending consideration of the appeal. It is needless to mention that if, such stay application is filed, the same shall also be considered and disposed of expeditiously. No costs."

It appears the writ petitioners instead of pursuing appeal BC.4/965/2003 filed another appeal before the 2nd respondent and the same came to be numbered as BCW 4/138/2004. Assailing the registration of the second appeal, the 5th respondent filed an appeal

before the Government and the Government by impugned memo ordered stay of the proceedings in appeal BCW 4/138/2004 pending on the file of 2nd respondent. Assailing the order passed by the government, the petitioners have filed this writ petition.

3. Heard learned counsel appearing for the petitioners and the learned counsel appearing for respondents 5 to 11.

4. It is no more in dispute that the petitioners filed an appeal being BCW 4/138/2004 before 2nd respondent. As per the directions issued in W.P.No.4141 of 2004 the 2nd respondent has to consider the said appeal and pass appropriate orders. It appears the petitioners filed another appeal being BC 4/965/2003 and there upon the 5th respondent herein questioned the same before the Government and the Government issued the impugned memo. When the petitioners had already filed an appeal, they have to pursue the said appeal as per the directions in W.P.No.4141 of 2004. In the circumstances, the government is justified in staying the proceedings in the subsequent appeal BCW 4/138/2004 filed by the petitioners.

5. Accordingly, this writ petition is dismissed. No costs.

Dt: 29-07-2005. (B.Seshasayana Reddy,J)

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